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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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KENNETH DIAZ-VIVO

*versus*

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 4:18CV131

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 5, 2018, the report of the Magistrate Judge (Dkt. #8) was entered containing proposed findings of fact and recommendations that Plaintiff Kenneth Diaz-Vivo's Motion Requesting Return of Property Pursuant to Fed. R. Crim. P. 41(g) (Dkt. #1) be dismissed without prejudice.

Having received the report of the Magistrate Judge (Dkt. #8), and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

Accordingly, it is **ORDERED** that Plaintiff's civil action requesting return of property is hereby **DISMISSED** without prejudice. Fed. R. Crim. P. 41(b).

**IT IS SO ORDERED.**

SIGNED at Plano, Texas, this 11th day of July, 2018.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE